

BOOK 0700 PAGE 0295  
AFFIDAVIT OF NONDEVELOPMENT  
AND NONPAYMENT OF DELAY RENTALS 1297021-000

L0525992

I, Karen J. Simons, of 44 Journeys End Lane, Wheeling, WV 26003, being of lawful age and duly sworn, do hereby depose and state the following:

Affiant hereby states that (he/she) is the owner of an undivided interest in the oil and gas rights under certain lands situate in the District of Union, Marshall County, West Virginia, being further described as follows:

Tax Parcel No. map 7 parcel 2

Bounded formerly or currently as follows:

On the North by lands of: Scott D. Henderson;

On the East by lands of: Brautigan Familt Irrevocable Trust;

On the South by lands of: Chad Lemmon/ Michael Simons;

On the West by lands of: Judith A. Fetty;

And more specifically described in a deed dated March 9, 2006, from Michael W. Simons, Sr. to Michael W. Simons, Sr. and Karen J. Simons, his wife, and recorded in Deed Book 650, at Page 382, of the deed records of said county and state.

Affiant further states that during the time of his/her ownership of the aforementioned rights in the above described lands, there (has/has not) been various oil and gas leases executed for the purpose of exploring for oil and gas. Affiant is also aware that there may have been other oil and gas leases executed by predecessors in title to the above described lands. Affiant further states that for a period of at least 30 years there has been no delay rental payments paid to Affiant, in money or otherwise, nor have such payments been deposited to Affiant's credit in any named bank. Affiant further states that (he/she) will not accept any delay rental or other payments after the date of execution of this Affidavit that would perpetuate any of said prior leases.

Furthermore, Affiant states that to the best of (his/her) knowledge there is no production of oil and/or gas from the above described lands and that (he/she) is not aware of any drilling, exploration, or development activities of any nature or kind conducted on said lands. Affiant also states that no production royalties and/or shut-in royalties have been paid effectively perpetuating any prior leases.

Further Affiant sayeth naught.

AFFIANT:

Karen Simons

Karen J. Simons

Jan Pest  
MARSHALL County 09:14:01 AM  
Instrument No 1295662  
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Subscribed and sworn to before me on this 9th day of March, 2010

My Commission Expires: July 18, 2011

Lonny G. Armstrong

Signature/Notary Public

Lonny G. Armstrong

Name/Notary Public (PRN#)

OFFICIAL SEAL  
NOTARY PUBLIC  
STATE OF WEST VIRGINIA  
LONNY G. ARMSTRONG  
Route 1, Box 370  
Charleston, WV 25312  
My Commission Expires July 18, 2011

ACKNOWLEDGMENT

STATE OF West Virginia)

COUNTY OF Marshall)

On this the 9<sup>th</sup> day of March, 2010, before me, the undersigned authority, personally appeared Karen J. Simons, married, who, being duly sworn according to law, deposes and says that he executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Signature/Notary Public Lonny G. Armstrong

Name/Notary Public (print): Lonny G. Armstrong

My Commission Expires: July 18, 2011

OFFICIAL SEAL  
NOTARY PUBLIC  
STATE OF WEST VIRGINIA  
LONNY G. ARMSTRONG  
Route 1, Box 370  
Charleston, WV 25312  
My Commission Expires July 18, 2011

This instrument prepared by: Chesapeake Appalachia, L.L.C., 6100 N. Western Avenue, Oklahoma City, OK 73118

Rev 02/2010

Prepared By:  
Chesapeake Exploration, L.L.C.  
P.O. Box 18496  
Oklahoma City, OK 73154

STATE OF WEST VIRGINIA, MARSHALL COUNTY, SCT.:

I, JAN PEST, Clerk of the County Commission of said County, do hereby certify that the annexed writing, bearing date on the 9th day of March, 2010, was presented for and by me, admitted to record in my office upon the above certificate as to the parties therein named this 10th day of May, 2010 at 9:14 o'clock A.M.

TESTE:

Jan Pest

Clerk.